

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7422

BILL NUMBER: HB 1586

NOTE PREPARED: Jan 12, 2009

BILL AMENDED:

SUBJECT: Automated traffic law violations.

FIRST AUTHOR: Rep. VanDenburgh

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL
DEDICATED
FEDERAL**

IMPACT: Local

Summary of Legislation: This bill:

- (1) allows a municipality to install a traffic infraction detection system (a device that produces still photographs of a vehicle that proceeds through a red light) at local, county, and state highway intersections within the municipal boundaries;
- (2) requires dismissal of a citation based on a traffic infraction detection system that does not comply with installation, maintenance, or operational requirements;
- (3) provides that the civil penalty for a violation detected by a traffic infraction detection system is \$75 for a driver who does not have a violation in the previous five years, and \$100 for a driver who has one or more violations in the previous five years;
- (4) specifies that: (A) 50% of the civil penalty collected must be deposited in the Local Road and Street Fund; (B) 25% of the civil penalty must be deposited in the county or Local Law Enforcement Continuing Education fund; and (C) 25% of the civil penalty must be deposited in the local police equipment fund;
- (5) provides that a person who does not contest the violation and pays the civil penalty in a timely manner is not liable for court costs;
- (6) makes other changes, conforming amendments, and technical corrections; and
- (7) repeals a superseded definition.

Effective Date: July 1, 2009.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: 1) The fiscal impact of establishing a traffic infraction detection system will depend upon the type of system implemented and the extent to which the local unit is required to purchase and maintain equipment, along with the anticipated revenue stream.

In addition, the bill requires local authorities to install advance warning signs along the roadway proceeding to the intersection at which an automated camera is installed. The cost for the signs will depend upon the number of signs needed. The cost for one sign is estimated to be about \$105.

Explanation of Local Revenues: (3 & 4) The bill provides that a municipality's ordinance must impose a civil penalty of \$75 if the person does not have a prior unrelated violation within the previous five years and \$100 if the person has one or more prior violations within the previous five years. The civil penalty revenue is deposited as follows: a) 50% in the Local Road and Street Account; b) 25% into the County Law Enforcement Education Fund if the ordinance is adopted by a county; or the Local Law Enforcement Continuing Education Fund if the ordinance is adopted by a city or town; c) 25% into the local Police Equipment Fund. Local revenue will depend upon the design and implementation of the specific programs and ordinances and will vary by locality.

The Local Road and Street Account is used for engineering, land acquisition, construction, maintenance, resurfacing, restoration, or rehabilitation.

Background Information: "Traffic infraction detection system" means a device that has one or more motor vehicle sensors working in conjunction with a traffic control signal that exhibits a steady red light or an illuminated flashing red light and is capable of producing a photographically recorded image of a motor vehicle or a vehicle being drawn by a motor vehicle, including the image of the vehicle's rear license plate as the vehicle proceeds through the intersection.

The City of New York has a program which utilizes cameras to record violations of motorists proceeding through the intersection, contrary to the requirement to stop at a red light. This type of program is commonly referred to as a "Red Light Running program." In this program, the City of New York has contracted with Electronic Data Systems (EDS) who supplies and maintains the system. For this, EDS receives a portion of each fine assessed from the Red Light Running program. The City of New York receives the balance. Potential costs include the red light camera and sensors. Camera costs likely will range between \$50,000 and \$100,000, depending upon the type of camera. The Federal Highway Administration (FHWA) estimates that the installation and sensors cost about \$5,000. According to INDOT, there are camera companies who will lease red light cameras as well as sell them.

State Agencies Affected:

Local Agencies Affected: Those units which install a traffic infraction detection system.

Information Sources: John R. Di Lavore, Director, Red Light Camera Study Program, City of New York, 718-786-2233; Federal Highway Administration Web page; Ryan Gallagher, INDOT Division of Traffic Control Systems, 317-232-5545.

Fiscal Analyst: James Sperlik, 317-232-9866.